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DOCKET NO: R0586-701210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark E. Herrmann, et al.  
Serial No: 10/729,848  
Confirmation No: 8315  
Filed: December 5, 2003  
For: GAME OF CHANCE AND SYSTEM AND METHOD FOR  
PLAYING GAMES OF CHANCE

Examiner: Not Yet Assigned  
Art Unit: 3711

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 12<sup>th</sup> day of November, 2004.

  
Lori A. Biancuzzo

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

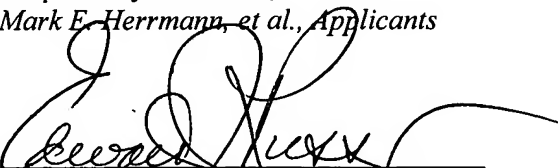
Transmitted herewith are the following documents:

- ☒ Statement Filed Pursuant to the Duty of Disclosure Under 37 CFR §§1.56, 1.97 AND 1.98, along with PTO Form 1449
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762. A duplicate of this sheet is enclosed.

Respectfully submitted,  
Mark E. Herrmann, et al., Applicants

By:   
Edward J. Russavage, Reg. No. 43,069  
LOWRIE, LANDO & ANASTASI, LLP  
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One Main Street  
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(617) 395-7000

Date: November 12, 2004

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Lori A. Biancuzzo  
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## Mail Stop Amendment

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

## PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

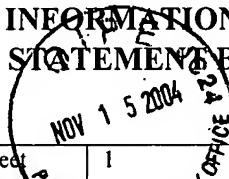
An early and favorable action is hereby requested.

Respectfully submitted,  
*Mark E. Herrmann, et al., Applicants*

By: 

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One Main Street  
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Docket No. R0586-701210  
Date: November 12, 2004  
**XnddX**

FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/729,848	ATTY. DOCKET NO.: R0586-701210
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> 		FILING DATE: 12/05/2003	CONFIRMATION NO.: 8315
		APPLICANT: Mark E. Herrmann, et al.	
		GROUP ART UNIT: 3711	EXAMINER: Not Yet Assigned
Sheet 1	of 1		

#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		2002/0111207*	A1	Lind, et al.	08/15/2002
		5,679,077*	A	Pocock, et al.	10/21/1997
		5,857,911*	A	Fioretti	01/12/1999

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		WO	2000/69535	A1	Netgain Technologies, LLC	11/23/2000	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided either because it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications) or because a copy of this reference need not be provided as the reference is a published U.S. Patent or U.S. Patent application and the present application was filed after June 30, 2003.